

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

VIVIAN HANDY,

*Plaintiff,*

v.

STATE OF ALABAMA, *et al.*,

*Defendants.*

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**CIVIL ACTION NO.:  
07 cv 376-MHT**

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**JOINT STATEMENT REGARDING REPRESENTATION OF PARTIES**

In response to this Honorable Court's Order of June 25, 2007 [Doc. No. 14], requiring the parties to jointly prepare a statement concerning representation, the following is submitted:

**A. Defendants remaining in the case:**

1. Department of Rehabilitation Services
2. State Personnel Department
3. State Personnel Board
4. Jackie Graham, Director of State Personnel Department
5. State of Alabama
6. Governor Bob Riley<sup>1</sup>

**B. Attorneys in the case:**

1. Russell W. Adams

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<sup>1</sup> The defendants contend that the State and Governor Riley are not proper defendants. Plaintiffs contend Steve Shivers, Commissioner of Alabama Department of Rehabilitation Services, is also a proper defendant.

2. Rocco Calamusa, Jr.
3. Stephen K. Simpson
4. Alice Ann Byrne

**C. Representation of parties:**

Plaintiff:

Vivian Handy

Attorneys

Russell W. Adams  
Rocco Calamusa, Jr.

Defendants:

State Personnel Department

State Personnel Board

Jackie Graham, Director

State of Alabama

Governor Bob Riley

Department of Rehabilitation  
Services

Attorneys

Alice Ann Byrne

Alice Ann Byrne

Alice Ann Byrne

Alice Ann Byrne

Alice Ann Byrne

Stephen K. Simpson

The parties agree that the Governor and the State of Alabama shall be dismissed from this action without prejudice, subject to the Plaintiff's right to reinstate the Governor and the State of Alabama as defendants upon notice to the Court and the parties. The Governor and the State would then be reinstated as defendants in this action as if they had never been dismissed such that any application statute of limitations shall be tolled during the dismissal period. The Defendants agree that no objection or defense arising from the dismissal will be raised.

Respectfully submitted, this 7<sup>th</sup> day of August, 2007.

/s/ Russell W. Adams  
RUSSELL W. ADAMS (ASB 3760-A62R)  
Attorney for Plaintiff

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/s/ Alice Ann Byrne  
ALICE ANN BYRNE (BYR 015)  
Attorney for Defendants  
State of Alabama, Governor Fob James,  
State Personnel Department, State Personnel  
Board, and Jackie Graham, Director

Address of Counsel :  
STATE PERSONNEL DEPARTMENT  
LEGAL DIVISION  
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/s/ Stephen Simpson  
STEPHEN K. SIMPSON (SIM 027)  
Attorney for Defendant  
Department of Rehabilitation Services

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